

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 9, 2004 PLANNING COMMISSION MEETING

P.A.S.: SP #04029 Soil Excavation

PROPOSAL: To operate a soil excavation site.

LAND AREA: 61.66 acres, more or less. 26.2 acres of the site to be excavated.

CONCLUSION: Generally in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 30, Irregular Tract, located in the SW 1/4 of Section 26, T10N, R7E.

LOCATION: Generally located at S. 88th Street and "A" Street.

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Farm land and a partial excavation site.

SURROUNDING LAND USE AND ZONING:

North:	Farm field and Acreages	AG Agriculture
South:	Farm field and one dwelling	AG Agriculture
East:	Farm field	AG Agriculture
West:	Urban residential	R-3 Residential

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Residential in the Comprehensive Plan. This is in the 2025 Future Service Limit, Tier I.

HISTORY: This area was changed to AG Agriculture in 1979. An excavation operation was begun and was stopped for lack of permits.

SPECIFIC INFORMATION:

UTILITIES: No utilities available.

TOPOGRAPHY: Sloping down to the north and east.

TRAFFIC ANALYSIS: 'A' street is a paved county road. The Mopac Trail abuts to the north.

PUBLIC SERVICE: This area is served by the Southeast Fire District, County Sheriff and is in the LES service area.

REGIONAL ISSUES: Additional heavy truck traffic on the county road used in hauling the excavated soil.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on or near this site. There is no flood plain (Stevens Creek) on the site.

AESTHETIC CONSIDERATIONS: Shape of the earth during and following the completion of the operation.

ALTERNATIVE USES: Continued farming

ANALYSIS:

1. This proposal is for a special permit for a soil excavation operation on a 61.66 acre site generally located on the north side of 'A' Street and immediately adjacent to the edge of the City of Lincoln. Grading cuts of up to 18 feet are proposed. About 26 acres is involved in the excavation operation. This is proposed to be a short duration operation.
2. The special permit provisions for mining and extraction of minerals in the AG district (27.63.360) refers to the conditions listed in the special permit section of sand, gravel and soil (27.63,160). These conditions are addressed by the applicant as follows;
 - a) The applicant provided a grading plan showing existing contours, and final contours.
 - b) The applicant states there will be no effect on groundwater and the water flow will remain the same.
 - c) There will be equipment stored on the site during the operation, a location is shown.
 - d) Erosion controls will be installed for Best Management practices as provided by the Lower Platte South Natural Resources District. DEQ and NRD permits have been obtained.

- e) The property is currently agriculture and a partial excavation site. The top soil has/will be stripped off and redistributed on the site after excavation for continued agriculture use.
 - f) The applicant is requesting that no visual screening be required since this is a rural area and will be of short duration. All finished slopes will be of less than three to one.
 - g) All areas of cut will have topsoil installed and returned to agricultural use upon completion of the excavation.
3. The County Engineers letter of May 18th notes the applicant shall be responsible for any damage to "A" Street and shall post a sign noting "Caution, Trucks Entering Highway".

CONDITIONS:

Site Specific:

1. This approval permits soil, sand and gravel excavation for a period of one year. Screening is waived, but the entrance shall be gated and the area fenced. The time of operation is limited to Monday through Friday, from 7:00 AM to 7:00 PM, and Saturdays from 7:00 AM to noon.

General:

2. Before beginning excavation operations the permittee shall:
- 2.1. Post a sign at a location acceptable to the County Engineer that reads "Caution, Trucks Entering Highway".
 - 2.2. Provide an agreement with the County Engineer for access and county road maintenance.
 - 2.3. Provide a dust control plan to the satisfaction of the Health Department.
 - 2.4. Provide an agreement to the satisfaction of the Health Department to immediately clean up any fuel, petroleum product material spills or other potentially hazardous material spills, and any resulting contaminated soil or material and properly dispose of the same.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
- 3.1 Before excavation all development and construction is to comply with the approved plans.
 - 3.2 Before beginning this excavation operation the City/County Health Department is to approve the air quality permits and fuel storage issues.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

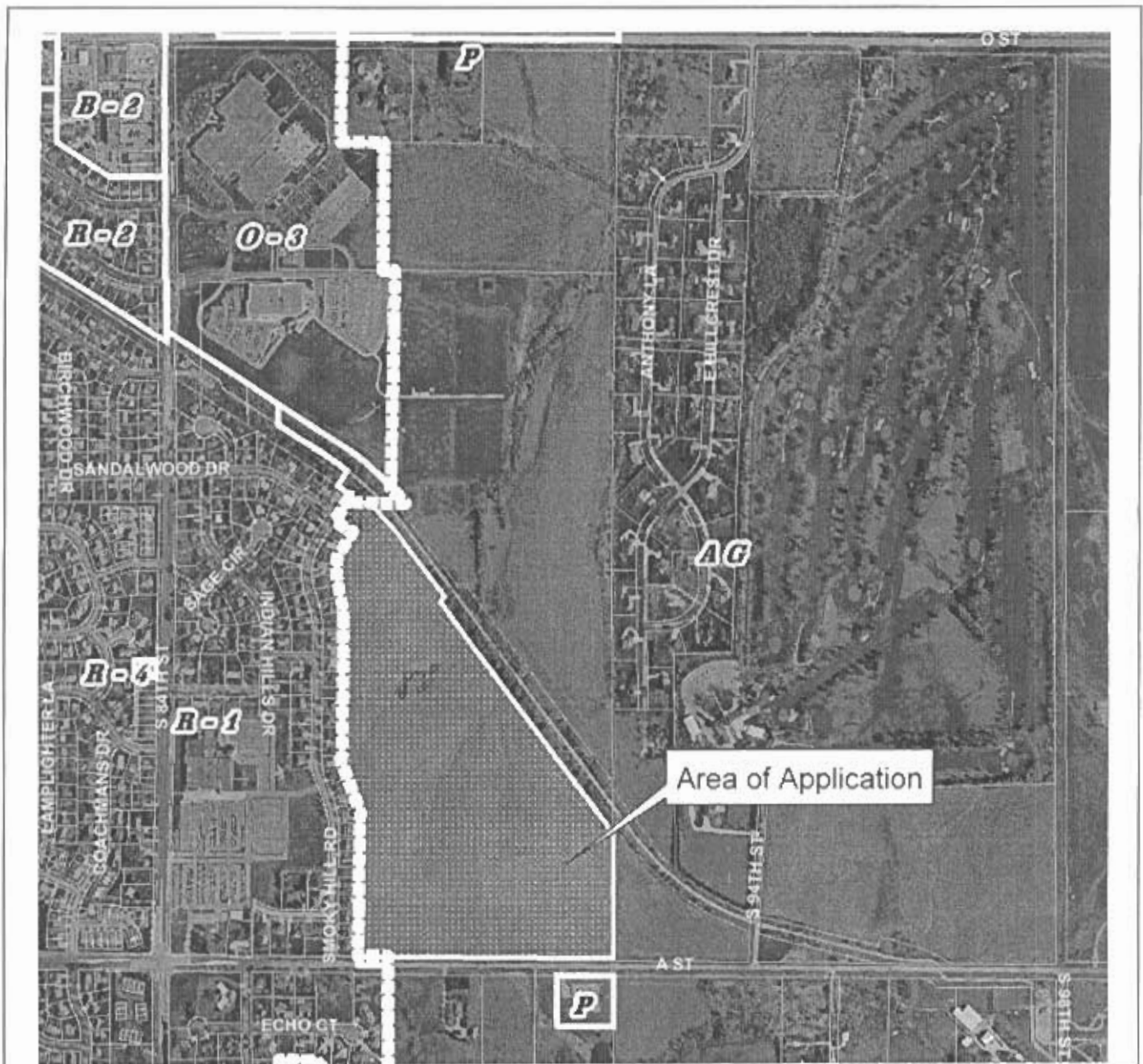
Prepared by

Mike DeKalb, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
May 25, 2004

APPLICANT: Herbert Brothers
8540 Chaparral Street
Lincoln, NE 68520

OWNER: Herbert Brothers

CONTACT: J.D. Burt
Design Associates
1609 N Street
Lincoln, NE 68508
(402) 474-3000



Special Permit #04029
S. 38th St. & 'A' St.
Soil Extraction

2002 aerial

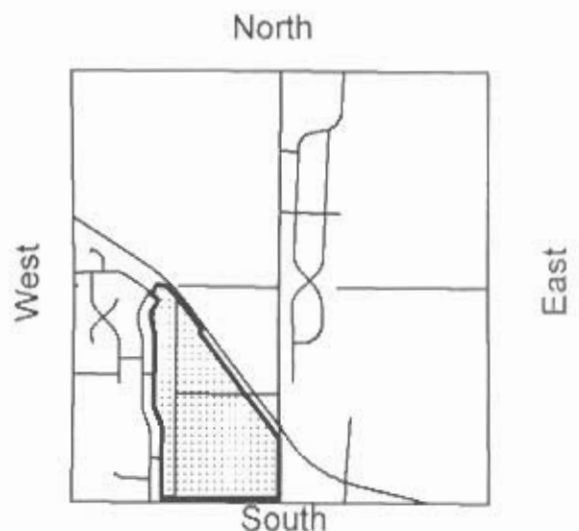
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-1 Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

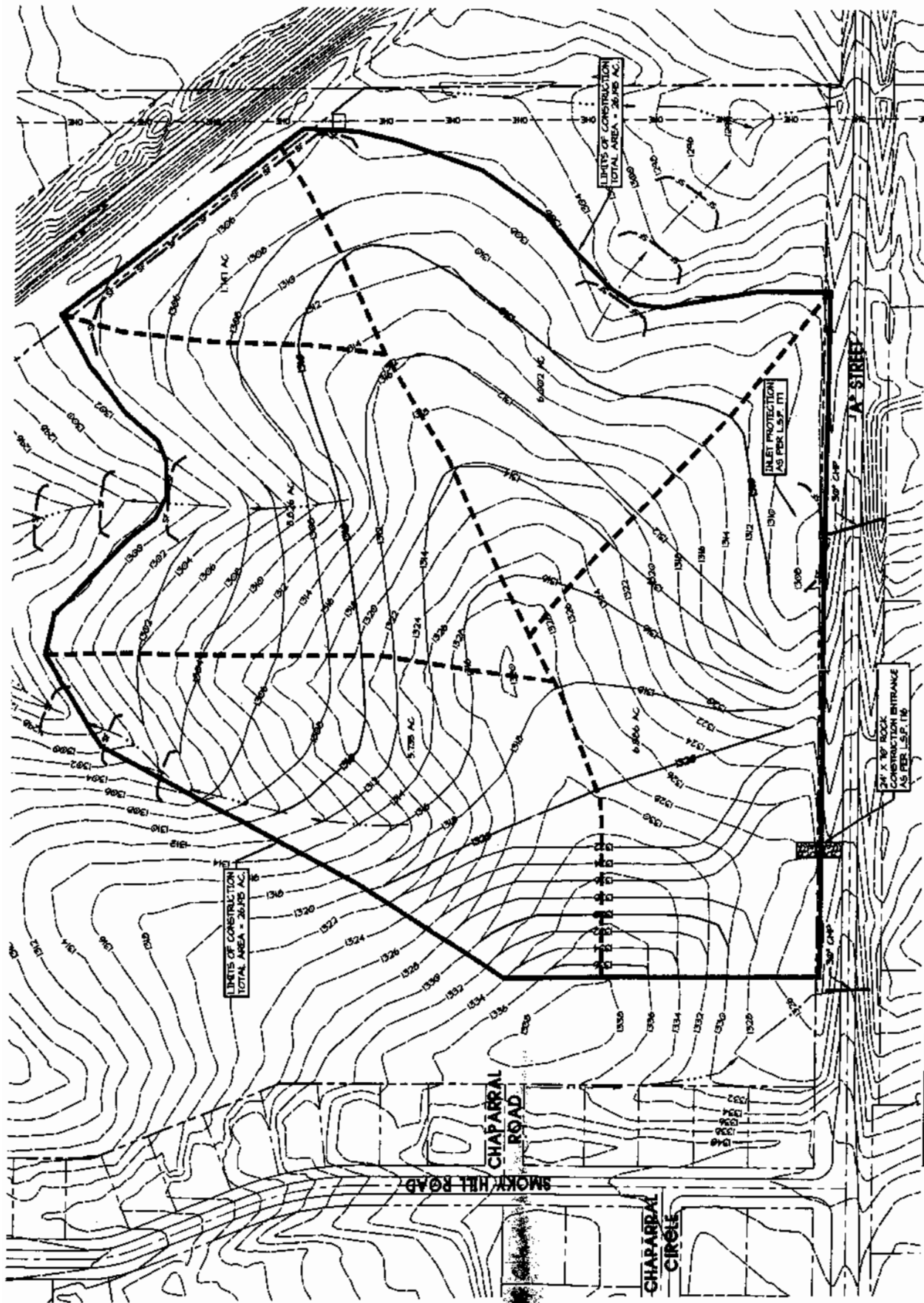
One Square Mile
 Sec. 26 T10N R7E



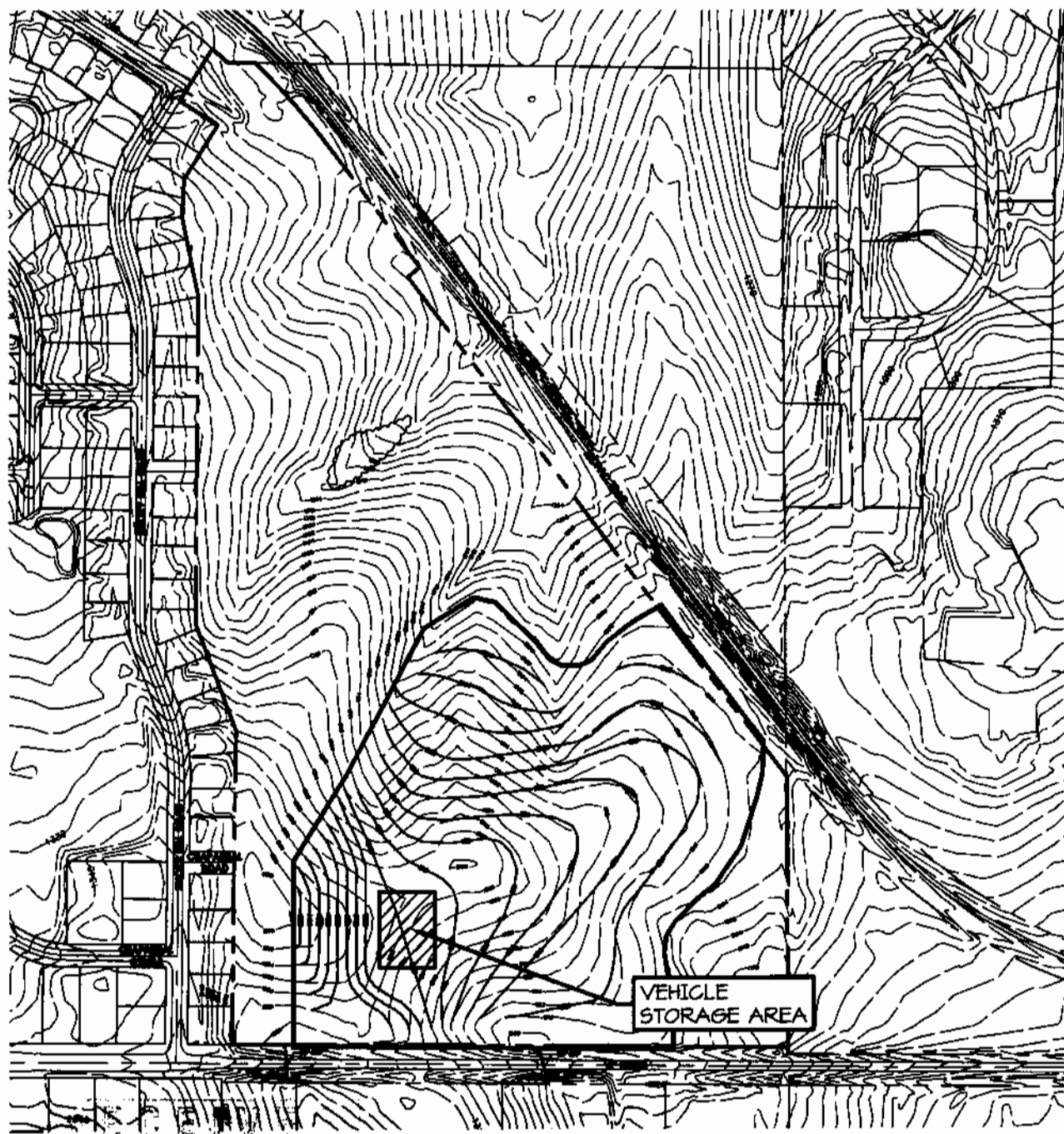
Zoning Jurisdiction Lines
 City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



Special Permit #04029
S. 38th St. & 'A' St.
Soil Extraction



Special Permit #04029
S. 38th St. & 'A' St.
Soil Extraction

SITE PLAN
 1" = 400'

DESIGN ASSOCIATES
 OF LINCOLN, INC.
 LINCOLN, NEBRASKA
 PHONE: 402/474-3600
 FAX: 402/474-6045
 dcooper@lincolncorp.com

HERBERT BROTHERS BORROW SITE
VEHICLE STORAGE AREA
LINCOLN, NEBRASKA

14 MAY 2004
 1
 2
 3

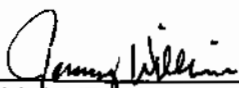
GENERAL NOTES

1. ALL ELEVATIONS ARE TO NAVD 1988 DATUM.
2. 12" OF TOP SOIL SHALL BE STRIPPED AND STOCKPILED ON SITE. UPON COMPLETION OF GRADING, 12" OF TOPSOIL SHALL BE PLACED OVER ALL DISTURBED AREAS.
3. UPON COMPLETION OF GRADING, SITE SHALL BE RETURNED TO CURRENT AGRICULTURAL USE.

NPDES COMPLIANCE

1. UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES AND STORM WATER MANAGEMENT PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE LINCOLN DRAINAGE CRITERIA MANUAL, DATED AUGUST 1999, AND APPROVED SUPPLEMENTS.
2. FOLLOWING SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, TOPSOIL STOCKPILES, AND ANY OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WHICH ARE NOT BEING USED FOR MATERIAL STORAGE, OR ON WHICH ACTUAL EARTH MOVING ACTIVITIES ARE NOT BEING PERFORMED.
3. ALL SEDIMENT AND EROSION CONTROL PRACTICES WILL BE INSPECTED AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND AFTER ANY STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24-HOUR PERIOD BY RESPONSIBLE PERSONNEL. ANY NECESSARY REPAIRS OR CLEAN-UP TO MAINTAIN THE EFFECTIVENESS OF THE BEST MANAGEMENT PRACTICES SHALL BE MADE IMMEDIATELY.
4. ALL SEDIMENT AND EROSION CONTROL PRACTICES WILL BE IN ACCORDANCE WITH LINCOLN STANDARD PLANS AND SPECIFICATIONS.

THE UNDERSIGNED CERTIFIES THIS PLAN HAS BEEN DESIGNED IN ACCORDANCE WITH THE TERMS OF THE INTERLOCAL AGREEMENT FOR NPDES COMPLIANCE.


JEREMY J. WILLIAMS

3/30/04
DATE

Special Permit #04029
S. 38th St. & 'A' St.
Soil Extraction

HERBERT BROTHERS BORROW SITE
GRADING AND STORM WATER POLLUTION PREVENTION PLAN
LINCOLN, NEBRASKA

project no. _____

sheet name _____

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**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

May 14, 2004

City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE

RE: Special Permit-Extraction of Soil
Additional Information

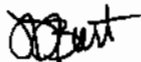
To Whom It May Concern:

The following is offered as supplemental information to the application for Special Permit, as required in Section 27.63.160 of the L.M.C.:

- (a) The submitted information included existing and proposed contours for the site. General Note 2 states that 12" of topsoil to be removed, stockpiled and replaced upon completion of soil removal to address excavation contours.
- (b) Attached is a letter from Steven Saye of Kleinfelder Engineering Company regarding the groundwater impact of this operation.
- (c) The attached information includes a separate plan showing the equipment storage area. This area is located in the central portion of the site to minimize impacts to the adjacent property owners to the south and west.
- (d) The submitted erosion control plan has been reviewed and approved by the Nebraska Department of Environmental Quality and the Lower Platte Natural Resources District. Copies of the approval correspondences are attached for your information.
- (e) The final site grades have been designed in a manner that surface waters do not collect or pond.
- (f) General Note 2 addresses the removal, stockpiling and replacement of topsoil within the areas of disruption.
- (g) The approved erosion control plan includes all contours within the limits of disruption. All slopes are less than 3 to 1.
- (h) General Note 3 addresses use of the property upon completion of the soil. The property will be returned to its current agricultural use.

A certificate of ownership is attached from Mr. Rierden. Please advise if additional information is required.

Sincerely,



J.D. Burt

cc: Jerry Kavan
Michael Rierden

MAY 13 2004



**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

May 13, 2004

City of Lincoln
Planning Department
555 South 10th Street
Lincoln, NE

RE: Extraction of Soil

To Whom It May Concern:

Attached for approval is an application for Special Permit to allow removal of fill material.
Plans have previously received approval by the DEQ and NRD for erosion control.

Please advise if additional information is required.

Sincerely,



J.D. Burt

RECEIVED

MAY 13 2004

PLANNING DEPARTMENT

STATE OF NEBRASKA

COPY

Mike Johanns
Governor

May 4, 2004

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

Suite 400, The Atrium

1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509 8922

Phone (402) 471-2186

FAX (402) 471-2909

Kenneth Drewes, Owner
KDI Excavating
12802 S. 35th St.
Bellevue, NE 68123

RE: Issuance of storm water discharge authorization for the Herbert Brothers Borrow Site construction project located at Lincoln, NE in Lancaster County (NPDES Authorization Number NER101839)

Dear Mr. Drewes:

This is to acknowledge receipt of the CSW-NOI form on April 23, 2004 for the project referenced above. This project also has authorization to discharge storm water under the terms and conditions of NPDES General Permit NER100000.

Questions concerning SWPPP review and approval, and the regulations governing this review and approval process, should be directed to J. B. Dixon with the Lower Platte South NRD at (402) 476-2729.

Questions specific to the NPDES permit should be directed to Michael Crisco or me at (402) 471-4220.

Sincerely,

Jamie Petersen, Staff Assistant
Wastewater Section
Water Quality Division

copy w encl: Jeremy Williams, P.E.; Design Associates of Lincoln, Inc.; 1609 "N" St.; Lincoln, NE 68508

ecopy: Gary Lacy; City of Lincoln; Public Waters/Utilities; 901 N. 6th St.; Lincoln, NE 68508
J.B. Dixon; Lower Platte South NRD; 3125 Portia Street; Lincoln, NE 68501
Jesse Poore; Environmental Public Health-Stormwater; 3140 N Street, Room 107; Lincoln, NE 68510
John Schauer, Compliance Specialist; NDEQ OfficeRECEIVED
MAY 13 2004



LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT

3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

April 14, 2004

Kenneth Drewes
KDI Excavating
12802 S. 35th Street
Bellevue, NE 68123

RE: Issuance of storm water discharge authorization for Herbert Brothers Borrow Site, proposed land disturbance, located at South 90th & A Streets, in Lincoln, Nebraska (SWPPP Approval Number: CSW 04D074).

Dear Kenneth:

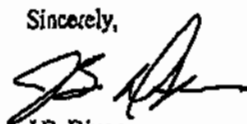
This is to acknowledge receipt of the CSW-NOI form for the project referenced above. This project has approval to stabilize specified disturbed areas in conformance with an approved SWPPP and authorizes discharge for storm water from a construction site from 1 acre, to less than 5 acres of disturbed area.

Submission of this NOI fulfills the notification requirements set forth in the City of Lincoln Ordinances and Design Standards, and the NPDES General permit for Storm Water Discharges from Construction Sites (NPDES Permit NPS 100000). The project information will be forwarded to the Nebraska Department of Environmental Quality where discharge authorization may be granted 7 days after the Department receives the completed CSW-NOI form.

The conditions on a construction site can change daily; your SWPPP is a dynamic plan and may have to be adapted to the current conditions on the project to be in compliance.

If you have any questions, please feel free to call our office.

Sincerely,



J.B. Dixon

Stormwater Specialist

JDD/gb

cc: Jeremy Williams, Design Associates of Lincoln, 1609 'N' Street, Lincoln, NE 68508
Gary Lacy, City of Lincoln Watershed Management Div.
John Collier, Building & Safety Dept.
Jennie Peterson, Nebraska Dept. of Environmental Quality

RECEIVED
MAY 13 2004



May 14, 2004

Mr. Jerry Kavan
Slosburg Company
10040 Regency Circle
Omaha, Nebraska 68114

**RE: Proposed Mixed Use Development
84th and Van Dorn Streets - Lincoln, Nebraska
KA Project 37370 - Task 2**

Dear Mr. Kavan:

We understand that you are required to obtain a special use permit for removing loess fill material from a borrow site near 88th and A Streets for the project at 84th and Van Dorn in Lincoln, Nebraska. Provision 27.63.160 Permitted Special Use: Extraction of Sand, Gravel, and Soil requires an assessment of the effect of the extraction on the groundwater table of the adjoining properties.

Test pit excavations made at the borrow site show a soil profile of loess underlain by glacial till. No groundwater was encountered. The proposed site work will remove the loess from an existing hilltop, and replace the topsoil over the excavated area at the completion of the work. In our opinion, the development of the borrow site will have no effect on the groundwater level on adjoining properties.

Our services were provided in a manner consistent with the level of care and skill ordinarily exercised by other professional consultants under similar circumstances. No other representation is intended. Please call if you have any questions regarding this letter.

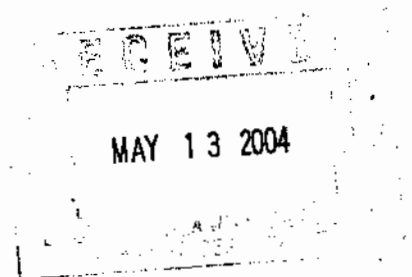
Respectfully Submitted,
Kleinfelder

Steven R. Saye, P.E.
Principal

David J. Hamilton, P.E.
Senior Professional

cc: Mr. Mitch Cubrich
Gibraltar Construction Co.

SRS:DJH/37370.L6



Lancaster

County

Engineering

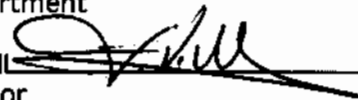
Department

DON R. THOMAS - COUNTY ENGINEER

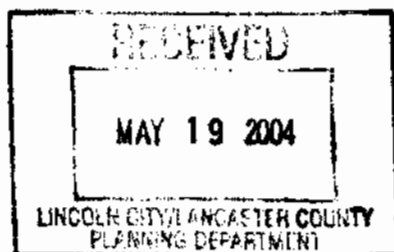
DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: May 18, 2004

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: SPECIAL PERMIT #04029
EAST "A" STREET (EAST OF SOUTH 84TH STREET)
MINING PERMIT - HERBERT BROS.



Upon review, this office would have the following comments:

- 1) Signage noting "Caution, Trucks Entering Highway"
- 2) Applicant shall be responsible for any damage to East "A" Street pavement

LVW/cm

SPECIAL EVENTS & OTHER/#04029 - Herbert Bros. - Mining Permit.Mem